

### **REMARKS**

Claims 1-6, 8-11, and 14-18 are pending. Claims 1-6, 8-11, and 14-18 stand rejected.

In claim 5, line 3, the words "flush under:" are added after the word "mount." The words "flush under" should have been added to the amendment in paper 5.

### **Claim Objections**

Claim 4 stands objected to for failing to provide a comma between "an end-wise margin" and "said end-wise margin" in two instances, one appearing in line 3 and the other in line 5. A comma has been inserted between "an end-wise margin" and "said end-wise margin" in both instances. (The prior office action inadvertently refers to claim 3 for this objection.)

### **Claim Rejections under 35 U.S.C. § 112, second paragraph**

Claims 5 stands rejected under 35 U.S.C. § 112, second paragraph, for failing to provide antecedent basis for the term "said mounting surfaces" (used in lines 2 and 3) in view of the use of the term "said mounting base" in claim 4 (lines 2-3 and 4). Claim 6 stands rejected under 35 U.S.C. § 112, second paragraph, for failing to provide antecedent basis for the term "said mounting base" appearing in both lines 2 and 3 in view of the use of the term "said mounting surfaces" in claim 5, line 2 and 3.

The term "said mounting surfaces" appearing in claim 5 at both lines 2 and 3 has been amended to read "said mounting bases." This amendment makes claim 5 consistent with the recitation of claims 1 and 4, which use the term "said mounting base." (Two instances in Claim 1, line 6, and two instances in claim 4 at lines 2-3 and line 4.) This amendment also makes the term "mounting base" appearing in claim 6 at both lines 2 and 3

consistent with the use of the term "said mounting bases" appearing in amended claim 5 at line 2 and line 3.

**The Rejection of Claims 1-6, 8-11, and 14-18 under 35 U.S.C. § 103**

Claims 1-6, 8-11, and 14-18 stand rejected under 35 USC 103 (a) as being unpatentable over Rodriguez (US 2,330,147) in view of Bernstein (US 6,145,857). The basis for the rejection is that it would be obvious for one of ordinary skill in the art to connect the trucks of Rodriguez to the platform through the apertures of the plate as suggested by the plat mounting technique of Bernstein to: a) strengthen the mounting of the trucks to the platform; and, b) simplify construction so the trucks can be easily attached and removed without access to the top side of the plate.

Applicant respectfully seeks reconsideration of the basis for this rejection based on the following two arguments.

Applicant first argues that any combination of Rodriguez and Bernstein does not produce the structural limitations of the skateboard with a slide plate embodied by claims 1, 8, and 14. Rodriguez teaches a semi-soft, shock-absorbing rubber pad fastened to the chassis and disposed between the chassis and the platform (page 2, column 2, lines 4-1 and Figure 4). The skateboard with a slide plate as embodied by claims 1, 8 and 14 provide for a plate mounted directly to the deck. Claim 1, lines 13-15, provides, "said top surface of said elongated slide plate in contact with said bottom surface of said elongated deck." Claim 8, lines 15-16, provides, "said elongated slide plate in contact with said bottom surface of said elongated deck." Claim 14, lines 9-10, provides, "whereby said elongated slide plate can be mounted between said bottom surface of said deck and said mounting bases." The limitations of claims 1, 8, and 14 avoid the placement of anything between the

slide plate and the deck that will have a tendency to give way as a rider shifts his weight. This is consistent with the objectives of the claimed invention to provide a consistent sliding or grinding surface that is unobtrusive (page 3, lines 9-10 and 16-17).

The Rodriguez patent further states that the semi-soft rubber pad is a very important objective of the invention to eliminate the transmission of vibration from the wheels to the platform caused by running the scooter over rough surfaces and passing over the joints in street pavements and sidewalks (page 1, column 1, lines 38-47). Rodriguez also states that shock absorbing pad eliminates considerable vibration, which is transmitted from the trucks and the chassis to the platform (page 2, end of column 1 and top of column 2). The additional structure provided by Rodriguez is contrary to the limitations of claims 1, 8, and 14 that provide for a slide plate in contact with the deck. As a whole, the combination of Rodriguez and Bernstein does not teach, or suggest, the limitations of claims 1, 8, and 14 that provide a consistent, unobtrusive sliding surface.

Second, applicant argues that the plat mounting technique of Bernstein provides no motivation or suggestion, explicitly or implicitly, to combine the mounting technique of Bernstein with the invention Rodriguez. The disclosures of Rodriguez would lead a person of ordinary skill in the art away from making the combination to; 1) strengthen the mounting of the truck to the deck; and 2) simplify construction so the trucks can easily be attached and removed without access to the top side of the plate.

Rodriguez discloses a semi-soft rubber pad disposed between the chassis and the platform for absorbing the shock caused by riding over rough surfaces and joints in the pavement and sidewalk. The absorption of shock provided by the rubber pad is said to be a very important objective of the Rodriguez invention (page 1, column 1, lines 38-47). ). On

page 2, end of column 1, Rodriguez states that the shock-absorbing pad eliminates considerable vibration that is transmitted from the trucks and the chassis to the platform. Additionally, Rodriguez teaches that the scooter is built strong and can withstand rough handling (page 1, end of column 1). The chassis is said to be screwed to and under the bottom of the platform (page 2, column 2, lines 7-10).

The plat mounting technique of Bernstein provides no suggestion to use the plat mounting technique on the shock-absorbing scooter of Rodriguez. The teachings of Rodriguez would lead the person of ordinary skill in art away from making the combination to; 1) strengthen the mounting of the truck to the deck; and 2) simplify construction so the trucks can easily be attached and removed without access to the top side of the plate. Attachment of the trucks directly to the platform through the apertures in the chassis would provide a direct means of transmitting shock to the platform contrary to the objectives and teachings of Rodriguez regarding the shock-absorbing rubber pad. Additionally, Rodriguez teaches that the scooter is strong and capable of withstanding rough handling with the chassis attached to platform with screws. A person of ordinary skill in the art would not be motivated to use the plat mounting technique with the scooter of Rodriguez to strengthen the attachment or simplify construction because this would destroy the advantages of the rubber pad disclosed by Rodriguez. Additionally, there would be no motivation to sacrifice the shock-absorbing capabilities taught by Rodriguez to strengthen the attachment of the trucks to the platform as Rodriguez teaches that the scooter is built strong and the chassis is attached to the platform by screws.

Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1-6, 8-11, 14-18 under 35 U.S.C. § 103.

**The Rejection of Claims 2, 10, and 16, Claims 3,11,17, and 18, and Claims  
5,6,9, and 15 under 35 U.S.C. § 103**

Claims 2, 10, and 16 stand rejected based on the proposition that resilient plastics are well known in the manufacturing arts. As such, it would be obvious for one of ordinary skill in the art at the time of the invention to make the chassis of Rodriguez from a resilient plastic such as polycarbonate to provide a chassis that is light weight and has high impact strength, thus improving the life span of the chassis under use.

Claims 3, 11, 17, and 18 stand rejected based on the proposition that it is well known to adjust the thickness of the structural members of a designed mechanism to meet a specific requirement, such as height. As such it would be obvious for one of ordinary skill in the art at the time of the invention to adjust the thickness of the chassis for purpose of achieving a particular height of the platform above the ground surface.

Claims 5, 6, 9 and 15 stand rejected based on the proposition that it is well known to decrease the size of manufactured elements for purposes of using lesser quantities of material. As such it would be have been obvious for on of ordinary skill in the art to decrease the size of the manufactured elements (chassis of Rodriguez) for the purposes of using lesser quantities of material.

The applicant respectfully seeks reconsideration of the above listed claims on the grounds that that the limitations of claims 1, 8 and 14 from which they depend are not taught or made obvious by the reference of Rodriguez (US 2,330,147) as modified by Bernstein (US 6,145,857). Applicant refers to the prior two argument made regarding the rejection of claims 1-6, 8-11, and 14-18 and makes the same argument here. The claims 2-3

and 5-6 depend from claim 1, the claims 9-11 depend from claim 8, and the claims 15-18 depend from claim 14.

Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 2-3 and 5-6, claims 9-11, and claims 15-18 under 35 U.S.C. § 103.

It is respectfully submitted that Applicant has addressed each of the Examiner's objections and rejections. If this reply is found to be incomplete, or a telephone conference can help advance this application, please telephone the undersigned at 202-363-1844.

Respectfully Submitted,

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## APPENDIX A

### Markup of claims showing amendments

4. (Twice Amended) The skateboard of claim 3 in which said elongated slide plate further comprises a first end margin, a second end margin, and two side margins, said mounting base of said first truck further comprises an end-wise margin, said end-wise margin facing said first end of said elongated deck, and said mounting base of said second truck further comprises an end-wise margin, said end-wise margin facing said second end of said elongated deck.

5. (Twice Amended) The skateboard of claim 4 in which said elongated slide plate is of the same width as said mounting [surfaces] bases of said first and said second truck whereby said two side margins of said elongated slide plate mount flush under said mounting [surfaces] bases of said first and said second truck.